

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

2004-10-25
FILED
CLERK
U.S. DISTRICT COURT
DISTRICT OF IDAHO
BOISE
2004-10-25

POCATELLO DENTAL GROUP, P.C.,

Plaintiff,

v.

INTERDENT SERVICE CORPORATION,

Defendant.

INTERDENT SERVICE CORPORATION,

Third-Party Plaintiff,

v.

POCATELLO DENTAL GROUP, P.C., et al.,

Third-Party Defendants.

Case No. CV 03-450-E-LMB

AMENDED ORDER REGARDING
MAIL SERVICE

Currently pending before the Court is InterDent Service Corporation's Motion to Amend February 9, 2004 Order Regarding the Mail (Docket No. 198). Having fully reviewed the record, the Court finds that the facts and legal arguments are adequately presented in the briefs and record. Accordingly, in the interest of avoiding further delay, and because the Court conclusively finds that the decisional process would not be significantly aided by oral argument, this matter shall be decided on the record before this Court without a hearing. Based upon the pleadings and the matters stated on the record on October 21, 2004, and the Court finding good cause therefor, the Motion to Amend is GRANTED as follows.

AMENDED ORDER REGARDING MAIL SERVICE -1-

204

IT IS HEREBY ORDERED:

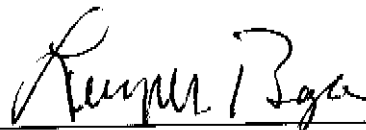
1. Pocatello Dental Group, P.C. ("PDG") and its officers, shareholders, agents, servants and employees, are ordered, pending the trial of this matter, to not divert mail addressed to PDG or InterDent Service Corporation ("ISC") at their address of 4155 Yellowstone Avenue, Pocatello, Idaho 83202. ISC and its officers, shareholders, agents, servants and employees are ordered, pending the trial of this matter, to not divert mail addressed to any individual dentist or marked "personal," and they may not open the same but must promptly deliver it to the dentist to whom it was addressed, or their designee, to be opened in the presence of an ISC employee. If such personal mail contains any revenue, as that term is described in paragraph 2.5 of the Dental Group Management Agreement dated October 11, 1996, the dentist shall promptly deliver the revenue to ISC for deposit pursuant to paragraph 3, below.

2. The mailing address of 4155 Yellowstone Avenue, Pocatello, Idaho 83202, shall be the mail address of record for PDG and ISC with respect to its Pocatello business affairs. Mail sent to such address shall be held at the Pocatello Main Post Office located at 730 East Clark Street, Pocatello, Idaho 83201, and picked up weekly by an ISC employee. ISC will then distribute the mail pursuant to the terms of this Amended Order. ISC is ordered to maintain a mail log identifying the receipt of each piece of mail addressed to PDG or ISC at their address of 4155 Yellowstone Avenue, Pocatello, Idaho 83202. The mail log shall contain the following information: (a) date received, (b) name and address of the sender, (c) name of addressee, (d) summary description of the contents of the mail, (e) if any revenue is contained in the mail, the log shall include a copy of the payment and supporting documentation of the explanation of benefits. A copy of the mail log shall be maintained at the Pocatello office of PDG and ISC and

be available to PDG. Upon written request, ISC shall provide PDG with a copy of any item of mail addressed to PDG or ISC.

3. ISC shall provide PDG with a monthly bank statement for the account in which funds payable to PDG are deposited. Within 30 days such account shall have electronic inquiry access. ISC shall provide PDG with a monthly profit-and-loss statement within 72 hours of its generation.

Dated this 4th day of November, 2004.



LARRY M. BOYLE
CHIEF MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT

United States District Court
for the
District of Idaho
November 5, 2004

* * CLERK'S CERTIFICATE OF MAILING * *

Re: 4:03-cv-00450

I certify that I caused a copy of the attached document to be mailed or faxed to the following named persons:

Gary L Cooper, Esq. 1-208-235-1182
COOPER & LARSEN
PO Box 4229
Pocatello, ID 83205-4229

Ron Kerl, Esq. 1-208-235-1182
COOPER & LARSEN
PO Box 4229
Pocatello, ID 83205-4229

James P Price, Esq. 1-208-235-1182
COOPER & LARSEN
PO Box 4229
Pocatello, ID 83205-4229

Erik F Stidham, Esq.
STOEL RIVES
101 S Capitol Blvd #1900
Boise, ID 83702-5958

G Rey Reinhardt IV, Esq. 1-208-389-9040
STOEL RIVES
101 S Capitol Blvd #1900
Boise, ID 83702-5958

Scott Kaplan, Esq. 1-503-294-9843
STOEL RIVES BOLEY JONES & GREY
900 SW Fifth Ave #2300
Portland, OR 97204

Darian A Stanford, Esq. 1-503-220-2480
STOEL RIVES
900 SW 5th Ave #2600
Portland, OR 97204-1268

Lowell N Hawkes, Esq. 1-208-235-4200
1322 E Center
Pocatello, ID 83201

Richard A Hearn, Esq. 1-208-232-6109
RACINE OLSON NYE BUDGE & BAILEY

PO Box 1391
Pocatello, ID 83204-1391

Stephen J Muhonen, Esq. 1-208-232-6109
RACINE OLSON NYE BUDGE & BAILEY
PO Box 1391
Pocatello, ID 83204-1391

____ Chief Judge B. Lynn Winmill
____ Judge Edward J. Lodge
____ ✓ Chief Magistrate Judge Larry M. Boyle
____ Magistrate Judge Mikel H. Williams

Visiting Judges:
____ Judge David O. Carter
____ Judge John C. Coughenour
____ Judge Thomas S. Zilly

Cameron S. Burke, Clerk

Date: 11-5-04

BY: WM

(Deputy Clerk)